

Payment of Fees

Under the Protocol, the region would apply for 'voluntary permits' and pay fees and DCCs equivalent to that payable if regular permits applied. It is proposed that the payment of fees and DCCs would be retroactive back to 1995. Under this retro-activity, Surrey would receive a small amount of DCCs for the relatively small number of regional facilities constructed in Surrey. Larger amounts have already been received by Delta and Richmond for the new sewage treatment plants that were constructed in those municipalities.

Fees and DCCs would be charged against the overall capital cost of the project involved.

Dispute Resolution

Where there is a dispute regarding a regional facility, the Protocol proposes the following process:

- non-binding assessment by a 'peer review panel' of three members appointed by the municipality and the GVRD;
- the 'peer review panel' findings would be presented to the GVRD Board, which would then rule on the dispute; and
- municipalities could appeal GVRD Board decisions to the Inspector of Municipalities; however, where the decision is appeal to the Inspector, it would be agreed that the Inspector's decision would be final and not be pursued in the courts.

Action Taken So Far

The GVRD Board has approved the Protocol and it has been endorsed by virtually all other member municipalities.

Options for Council

Council has the following options:

- Approve the Protocol as proposed.
- Approve the Protocol for certain types of works (such as water and sewer only).
- Not approve the Protocol at all:
 - City would have to utilize the current system of dispute resolution (i.e., appeal to Inspector of Municipalities and/or the Provincial cabinet.
 - City would not receive back-payment for DCCs on regional facilities constructed over the last 5 years (this is a relatively small amount, less than \$10,000 in total).

Projects About to Proceed

The sanitary sewer overflow containment facility at Hwy. 10 and 164 Street is, should the protocol agreement be approved, about to commence the permit stage. Should the protocol not be approved, then the issue of the legal requirement for the GVRD obtaining permits will have to be resolved legally and then dealt with accordingly.

CONCLUSION

The current lack of process involved in the construction of regional facilities within member municipalities has led to the establishment of the attached proposed Protocol. While the Protocol still leaves the GVRD Board with the final decision on capital projects, it does provide for an independent review process and the payment of fees and charges by the region to the host municipality. Additionally, it retains the current avenue of appealing a GVRD Board decision to the Inspector of Municipalities; consequently it does have some advantages for Surrey.

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Attachment

c.c. - City Solicitor

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